

Land - Louisiana

APPENDIX.

REPORT

OF

COL. S. VAN WICKLE,

COMMISSIONER.

SECOND DISTRICT SWAMP LANDS.

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COL. S. VAN WICKLE,

COMMISSIONER SECOND DISTRICT SWAMP LANDS.

*To His Excellency P. O. Hebert,
Governor of the State of Louisiana:*

In compliance with the provisions of an Act of the General Assembly, entitled "an Act to reclaim and drain the Swamp and overflowed Lands of the State of Louisiana," approved 30th of April, 1853, I present you my report, as Swamp Land Commissioner for the Second Levee and Draining District.

I had the honor to receive my commission on the 4th day of June, bearing date of the first.

On the 14th same month, gave my bonds and qualified. On the 15th, met Messrs. Hugh Grant and J. W. Butler, Swamp Land Commissioners for the First and Second Districts, at Baton Rouge, and proceeded to organize under the Act creating the Board of Swamp Land Commissioners. We remained in session until the 22d of same month, during which time we visited and fixed the location of the Grand Levee of the Parish of Point Coupée, and also examined several bayous located in said Parish, and serving as outlets to the Atchafalaya River, viz: Middle Bayou, Lake Bayou, West Bayou, and Rickett's Bayou. Said bayous, during the annual high waters, overflow a valuable section of country, embracing a large quantity of swamp and public lands, situated and lying between the Atchafalaya and Mississippi Rivers.

By a unanimous vote of the Board, it was resolved that the bayous be closed.

The duty then devolved upon me of appointing an Engineer for my District, and in conformity thereto I commissioned Vincent Kirkland, of the Parish of West Baton Rouge.

In order to expedite and further the work

already laid out, and which was essential in its completion to the protection of a number of the wealthiest Parishes, not only of my District, but of the State, the Board of Commissioners found it necessary to draw upon the Auditor of Public Accounts, for means to prosecute their plans. That officer positively refused to audit our drafts, upon the ground that no specific appropriation had been made as required by Article 94 of the Constitution.

After every effort to obtain the necessary means for the proper conduct of these works had failed, my operations in connection with the duties imposed upon me, were very much limited.

The season was fast advancing, when it became my duty, under an Act of the Legislature, approved April 28th, 1853, appropriating thirty thousand dollars out of the Swamp Land fund, for the completing and rebuilding of the Grand Levee of the Parish of Pointe Coupée, to try and forward the construction of this important work.

The advertisements were made as required by law. The sale of this work took place on the fifth (5th) of August last, on line of said Levee.

An offer of this work was first made in sections of about three hundred (300) feet each. Six of these sections were sold at an average of seventeen and a quarter (17 1-4) cents per cubic yard, Mr. John Toy being a contractor. No bids were made for the remaining sections under twenty-five (25) cents per cubic yard. (They were, however, subsequently all adjudicated to John Toy, at twenty (20) cents per cubic yard.) He furnished his bonds by notarial act, (passed before W. G. Bozenian, Notary Public,) which bonds were approved by Vincent Kirkland, Engineer of the Second (2nd) District.

Mr. Toy, in conformity to his contract, commenced operations upon the Levee immediately after the adjudication of the contract, with every promise of being enabled to complete the work within the prescribed time. But in consequence of the appearance of the epidemic, which was at this period spreading terror throughout the State, and the imminent peril attending the concentration of so large a body of men as would have been necessary to complete an undertaking of such magnitude, in a vicinity which at that time was suffering from the disease and pestilence, would have been perilous in the extreme, both to the laborers and to the country. Meanwhile the time for fulfilling the terms of the contract expired, and the work was still in an unfinished condition.

The Engineer, Mr. Kirkland, while in the execution of his duties, contracted the yellow fever, and died on the 29th of September.

My own health became so much impaired and enfeebled, that I was confined in a sick room for more than two months.

In the face of so many adverse circumstances, the work was suspended until about the first of November, when the contractor was enabled to collect a small force upon the line of operations: yet notwithstanding every exertion was made, he could not obtain more than seventy (70) or eighty (80) laborers, at any one time, up to the fifth (5th) of December, when his bonds were forfeited by the limit of his contract.

On the eighth (8th) of November, I appointed L. Caldwell, Esq., Engineer of my District, to succeed Mr. Kirkland.

The season had so far advanced, and the time for the annual rise of the river so nearly approached, that a crisis had arrived when this work must be completed at any cost, to avert the calamity of an overflow.

Availing myself, therefore, of the power conferred upon the Commissioners by section twenty-sixth (26th) of the Act "to reclaim and drain the Swamp Lands, &c.", upon the recommendation of the Engineer of my District, I proceeded to let out the Grand Levee in separate and distinct sections, at the rate of twenty five (25) cents per cubic yard, to contractors, whose energy and perseverance would seem to insure the completion of the work in time to meet the high waters of the Mississippi River.

In consequence of the great difficulty of securing the services of men, prepared with the necessary implements, to prosecute the work on their own responsibility, I found it necessary to employ men to whom I furnished an outfit, in the way of wheelbarrows, spades, provisions and buildings, all of which articles it was agreed should be at the ex-

pense of the contractors, (except the lumber for buildings,) and the price of said articles to be deducted from their contracts, in making a final settlement with them. By these means I was enabled to employ upon this important public work, in the course of ten (10) days, some three hundred (300) laborers; and there is at this time every prospect of its entire completion in ample time to resist the waters when they may rise.

If the original contracts for this work could have been made, as was expected, at an average of about twenty (20) cents per cubic yard, the appropriation of thirty thousand (30,000) dollars would have been nearly sufficient for its completion. But owing to the prevalence of the epidemic, and the high rate of wages, as well as our inability to procure, even at the ruling rates, a sufficient force for our purposes, it was found necessary to enter into new contracts, at an advanced rate of twenty-five (25) cents per cubic yard.

This, in connection with the necessity, for the better securing of the Levee when finished, of making of an inside ditch for the purpose of carrying off the transpirations of water, and also as there should be some provision made for the building of a Public Road, as the authorities of the Parish declare their inability to execute this work, for want of means; it will be necessary that a further appropriation of twelve thousand (12,000) dollars be made. This further appropriation I deem indispensable to the more perfect completion of this great work, a work on which the safety of nearly the whole of the south-western part of our State depends. For the full statistics of this work, I refer to the Report of L. Caldwell, Engineer, on file in the office of the Swamp Land Commissioners.

The lands upon which the Levee is situated belong to the Parish of Pointe Coupée, by donation from the General Government, of May 26, 1824, for the purpose of enabling the Parish to build and keep in repair said Levee.

I understand that the authorities of said Parish are desirous of transferring said lands to the State, under the general system of levying and draining, which I have reason to hope the State is about to adopt. I would respectfully suggest, in case an arrangement can be made with the Parish, that the State accept the transfer.

The greater portion of these lands are in a high state of cultivation, and would afford, by renting or sale, a sufficient fund to keep the roads and levees in repair.

The State being compelled to build and keep in repair these improvements, it is but right, in my opinion, that the means donated

for this purpose should be placed in the hands of the party held responsible, and upon whom so large a portion of our State rely for protection against their great enemy, water.

As soon as the appointment of Mr. Caldwell was made, his attention was directed to the unfinished work on the Grand Levee, the surveying, estimating and location of points for closing up the bayous heretofore mentioned, situated on the Atchafalaya, and for a levee across the Point Manwar, situated in the upper part of the Parish of West Baton Rouge, on lands that have been principally abandoned by their proprietors.

This Parish had built at great expense a levee across this point, which for a time will afford security not only to her own citizens, but to Iberville, and others; and the attention of the Commissioners having been called to this fact by the Police Jury of said Parish, it was ordered: that a survey and location of this be made, and reported at the next regular meeting of the Board. It was not necessary that immediate action should take place, as the Front Levee now existing is a sufficient security for the present. But as it is situated on a bank that is caving, it is liable to be destroyed. Should a new levee be ordered across this point, which I think will be indispensable in a short time, I would suggest that an effort be made by the State to secure these lands that have been abandoned to the Parish.

As soon as the surveys and location on the bayous heretofore mentioned, were made, the work was advertised to be let, according to law.

The sale took place on the tenth (10th) and twelfth (12th) of December, under the supervision of the Engineer of this District. I am informed that the work was let at an average of about twenty (20) cents per cubic yard.

For this information and the subdivision of the District, I refer you to the report of the Engineer, on file in the office of the Commissioners.

There is an evident ambiguity in the present law relative to the duties of the Engineers and Commissioners, and in evidence I cite the fact that many of our worthy and intelligent citizens have so interpreted this law, that as they view it, the Parochial authorities are relieved of all responsibility, and have applied to the Engineer to locate and supervise their private levees.

I construe the law as confining us entirely to the reclaiming and draining of swamp and overflowed lands.

I would gladly interpret the law as my fellow-citizens view it, believing that it would accelerate the building, as well as placing

the levees in a position that would render them more secure, and make the system more complete. I would recommend that all levees throughout the State be placed under the control of the Engineers and Commissioners. I would not relieve the front proprietors of the responsibility now resting upon them, to make and keep in repair all their front levees; but when completed, they should receive a reasonable compensation for all sacrifice and for work done, the price of work to be fixed by the cubic yard.

Should this recommendation be adopted, I am satisfied that it would result in a greater unanimity of action, which is necessary to the better carrying out of this great system, which if adopted, would require an additional aid as to Engineers; and I would therefore suggest that the Commissioners be authorized on receiving applications from any individual or individuals to locate and supervise the making and construction of any levee in his District, he shall have the power to employ any competent Engineer to make the same, and report the result of his work, which shall define the base, height, and location, with the number of cubic yards of earth required for the construction of said work, with his reasons concerning the necessity of said work, to the Commissioners of the District, which shall be laid before the first meeting of the Board of Swamp Land Commissioners; and if the work be ordered, the Commissioners of the District shall immediately take the necessary steps to have it made. The Engineer so employed to be paid for his services at the legal rates.

I would also call your attention to that clause in Act No. 328, section 16, which enacts:

"That the Engineers, and in the event of their absence, the Inspectors, are hereby empowered, within the several levee wards, to call out to work on the levees therein, in case of a crevasse or threatened crevasse, all the male slaves above the age of fifteen, and under sixty, or so many thereof as may be deemed necessary, whose owners reside on the same side of the river or bayou, within seven miles of the threatened danger; provided that this shall not apply to any person living on high lands, that is, lands not alluvial, &c." The clause that I wish particularly to direct attention, is that part which prescribes the bounds of the requisition of the authorities empowered to act in case of danger. The limits by this Act is to *seven miles*. Beyond this they cannot go.

It must be known to your Excellency, that there are points after points liable to be broken, where it would be impossible to raise a force even of one hundred men, when

the exigencies of the times would require three times this number within the limit, thereby depriving the authorities of that assistance necessary to save perhaps a large and productive back country from all the horrors of an inundation.

I most respectfully suggest that the words "*within seven miles*" be so amended that no difficulty may arise to cripple the efforts of the authorities in preventing or closing up any crevasse as soon as possible after occurring.

I would also recommend to the careful perusal of the honorable members of our Legislature, the Report of the Senate Standing Committtee, of the 21st March, 1850, on Levees, Drainage, &c., which clearly and fully shows that the State is possessed of ample means to redeem from overflow, and secure all our public lands, if said means are judiciously applied, and leaving a sinking fund sufficient to enable us for all time to keep these works in repair. In the report to which I allude may be found a summary marked D. D. D., upon which I found my opinion. I would also call attention to the Report on State Levee Districts South of Red River, which is to be found in same Reports, page 36, marked P.

I will suggest what in my opinion appears as the best means to be applied.

There has been so much said on this subject by eminent and professional men, that I feel my incapacity to add anything to the multiplicity of facts already produced upon this interesting subject. Yet having been more or less connected with these works for a period of thirty five years, it may be expected that I would give my views relative to that which has for so long a period attracted my attention.

My experience compels me to adopt the conclusion, that we should not depend upon levees, but as auxiliaries.

I fully concur with the opinion of the talented and able Engineer, A. D. Wooldridge, Mr. Ellet, Hugh Grant, Civil Engineers, (who is at present the able Commissioner of the First Swamp Land District,) also of Col. Long, who was connected with the General Government survey, as well as the other eminent Engineers of our own State, who agree that we must adopt some other means of safety than those upon which we are now depending. That the means now used are insecure and inadequate, experience has but too truly demonstrated. It is now with fear and trembling that the citizens of a large portion of our State witness the annual rise of the Mississippi, not knowing at what moment the labor of years may be swept away, and all their plans for the future dissipated.

This insecurity so universally acknowledged, should awaken our State to the obligation resting on her.

Her citizens who plant and expend large amounts of wealth upon her soil, should receive her fostering care. Her whole energies should be directed to securing them means and furnishing that aid without which they have no security for the future. Upon the prosperity of her citizens depends her own existence. By private outlays, and in the face of obstacles that would have disheartened almost any other people, they have raised their State to the high position she now holds, and this should be a powerful incentive, when she has abundant means to relieve from this great responsibility and loss, those to whom she is so deeply indebted.

The means now in use, as I have above mentioned, being insufficient, I will recommend a general system of outlets. I would improve the natural ones now existing, and make such artificial ones as the necessity of the case may require to carry off the surplus water. We all agree as to the necessity of these outlets, but differ as to their location.

In my opinion there should be none constructed lower down than Morganza. That portion lying between the Atchafalaya and Morganza, nature appears to have defined as a proper place for this work. The capacity of the Atchafalaya River, since the removal of its rafts, will afford sufficient outlet, and greatly tend to our relief. It has been doubted whether the Atchafalaya is able to carry off any additional water that may be thrown into it; and I am well aware too, of the jealousy with which her citizens, and all the Parishes of the south-western part of our State, look upon any work that may be done to increase its waters. I would relieve this apprehension by stating that we have a sufficient data by which this stream can be made to carry off double or three times the amount of water that now flows through its channel, by means of the opening and improving of its natural outlets, and making a few artificial ones into the Gulf. Here then would I recommend the first operations, that the Atchafalaya may be ready for any additional water that may be thrown into it.

By opening the outlets to which I have alluded, and receiving the surplus waters of the Mississippi, the south-west not only relieves those portions of our State in the delta of the Mississippi, but she also removes the cause of great loss to herself consequent upon crevasses that may occur.

Should the State increase the power of

the Atchafalaya to three times her present capacity to discharge into the Gulf, and throw into its channel but twice its present amount of water, there certainly could be but little cause for fear or opposition to this measure. And this is all that is asked.

Had it been found impossible to improve the Atchafalaya or its outlets, that a greater quantity of water could be passed through its channel, I would not advise this measure. But the reverse has been clearly proved to be the fact. Our most eminent Engineers, after careful surveys, and from all the evidence that could be collected bearing upon this subject, give us their opinion that this river can be improved as to afford the means of relief to those who have labored so strenuously to obtain it.

For further information I take pleasure in referring to the able report of Hugh Grant, Esq., Chief Engineer, which is to be found in the report of the Senate Committee, of 1850, to which I have before made reference.

Had the Board of Commissioners not been crippled by these unfortunate circumstances to which I alluded in the early part of my report, their attention would have been specially drawn to these outlets, and some action would have been taken by which I would have been able to have furnished the probable estimate of the cost of these works, and also a more complete report upon this subject.

As to the location of the outlets on the Mississippi, I would recommend that one be located about seven miles above Morganza, known as Raccourci, or Tunica Bend. Commencing about the centre of the Raccourci levee, and following a low portion of land that intersects with many bayous, that would lessen the expense of excavating, and falling into the Atchafalaya about 35 miles from its confluence with the Mississippi River. Not only would this location tend much to lessen the labor, but the expense of right of way would be comparatively small to that of any other point, the State already owning the greater portion of the lands through which it would pass. It would also act as a drain for a portion of country that is now subject to inundation.

I think commencing at a point instead of a bend of the river in that vicinity, the tendency to the suction of rafts and driftwood into its channel, would be thus sufficiently obviated by its remoteness from the main channel or deep river bend. It would be fed by the old river made by the Raccourci cut-off, as well as by Mississippi proper.

Lake Moreau, located near the head of the Raccourci cut-off, has been recommended as a suitable point for a minor outlet, as is represented to be already partially formed by nature. I will however defer my recommendation relative to this point, until a thorough examination can be made.

Should the situation be found an eligible one, I will advise that measures be taken to render it available.

I would also recommend a suspension of the sale of those lands belonging to the State, that are subject to overflow, until they may be improved. By our improvements, the value of these are so greatly enhanced, that they become objects of great importance as means of revenue.

The State making outlays to render these lands valuable, should realize by direct income some of the benefits conferred. These lands when improved and brought into market, should be sold by the proper authorities at auction to the highest bidder. This would give them to the actual settler, and not place them in the hands of speculators, who enter large bodies of overflowed lands at the Government price, whenever they find the attention of the Commissioners directed towards their improvement.

This system of reservation and sale of these overflowed lands until improved, would result as before stated in an increased revenue, returning to the State a part of the means expended in reclaiming them. It would also increase the population and wealth of the State by actual settlement, reasons sufficient to my mind to render the recommendation proper.

Should the authorities not be able to dispose of a sufficient number of acres to furnish the necessary funds to continue the improvements, a result hardly within the range of possibilities, I think that a resort to the means provided in section nineteenth (19th) of the swamp land law, where the Governor is empowered to meet the wants arising from the happening of any extraordinary event, would be preferable rather than continue a system that precludes the State from the benefits that would accrue in the shape of a large and increasing revenue.

I would further recommend the building of three boats, to be so constructed that in case of crevasses they could be used as pile drivers or tenders, and in low water to be used on different streams of the State for the improvement of the same, either under the direction of the Engineers, or the Commissioners.

Experience has taught us that when crevasses occur, the great difficulty is to obtain

earth and the necessary material to close them, and they are often abandoned, when by the assistance of the means such as I have recommended, the great loss consequent upon their occurrence could be removed.

I am of opinion that this measure has been already recommended by our present able and efficient State Engineer.

It was my intention to have visited every Parish in my District, and to have made a personal examination of such points as had been recommended by the citizens, for improvement. But circumstances entirely beyond my control, I regret to say, deprived me of this pleasure.

Feeling a lively interest in the success of the great Internal Improvement system, which I hope our State is about to adopt, and being assured that the means now under her control, if properly directed, will insure to us what I have so ardently desired, it affords me great pleasure to assure your Excellency of my continued confidence and support, hoping that by your experience you will be enabled to recommend to our next Legislature such laws as they in their wisdom may enact to meet this great emergency.

Respectfully yours,
(Signed) S. VAN WICKLE.
Pointe Coupée, December 19, 1853.